CHAPTER XIX.

PROCEDURE.

Licenses.

Licenses and written permissions to specify conditions, &c., on which they are granted.

479. (*1*) Whenever it is provided in this Act that a license or a written permission may be given for any purpose, such license or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 68 to grant the same.

Fees to be chargeable.

(*2*) For every such license or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the corporation.

Licenses and written permissions may be revoked, &c.

(*3*) Subject to the provisions of clause (*d*) of section 403, any license or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any regulation or by-law made hereunder in any matter to which such license or permission relates.

When license or written permission is revoked, &c., grantee to be deemed to be without a license or written permission.

(*4*) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a license or written permission, until the Commissioner's order for suspending or revoking the license or written permission is cancelled by him, or until the license or written permission is renewed, as the case may be.

Grantee to be bound to produce

(*5*) Every person to whom any such license or written permission has been granted shall at all

license or written permission.

reasonable times, while such written permission or license remains in force, if so required by the Commissioner, produce such license or written permission.

Public Notices and Advertisements.

Public notices how to be made known.

480. Whenever it is provided by this Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Commissioner or of a municipal officer empowered under section 68 to give the same, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of *batáki*, or by advertisement in the local newspapers, or by any two or more of these means and by any other means that he shall think fit.

Advertisements how to be made.

481. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers, one Maráthi newspaper and one Gujaráti newspaper published in the city.

Consent, &c., of Commissioner may be proved by written document under his signature.

482. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the Commissioner or of a Deputy Commissioner or any municipal officer, a written document signed by the Commissioner or by such Deputy Commissioner or municipal officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

(Chap. XIX.—Procedure. Secs. 483-484.)

Service of Notices, &c.

Notices, &c., by whom to be served or presented.

483. Notices, bills, schedules, summonses and other such documents required by this Act or by any regulation or by-law made under this Act to be served upon or issued, or presented or given to any person, shall be so served, issued or presented or given by municipal officers or servants or by other persons authorized by the Commissioner in this behalf.

Service how to be effected on owners of premises and other persons.

484. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to any person, such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 485, be effected—

(*a*) by giving or tendering to such person the said notice, bill, schedule, summons or other document; or

(*b*) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the city, or by giving or tendering the same to some adult male member or servant of his family; or

(*c*) if such person does not reside in the city and his address elsewhere is known to the Commissioner, by forwarding the said notice, bill, schedule, summons or other document to him by post under cover bearing the said address; or

(*d*) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Service on "owner or occupier" of premises how to be effected.

485. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section but as follows, namely :—

(*a*) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or

(*b*) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult male member or servant of the family of the owner or occupier or of any one of the owners or occupiers ; or

(*c*) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

The three last sections inapplicable to Magistrate's summonses.

486. Nothing in the three last preceding sections applies to any summons issued under this Act by a Magistrate.

Signature on notices, &c., may be stamped.

487. (*1*) Every license, written permission, notice, bill, schedule, summons or other such document required by this Act or by any regulation or by-law framed under this Act to bear the signature of the Commissioner or of any municipal officer shall

be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 113.

Power of Entry.

Commissioner, &c., may enter any premises for purposes of inspection, survey or execution of necessary work.

488. The Commissioner may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or survey or to execute any work which is authorized by this Act or by any regulation or by-law framed under this Act to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions, of this Act or of any such regulation or by-law, to make or execute :

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(*b*) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours' previous written notice of the intention to make such entry, and unless for any sufficient reason it shall be deemed inexpedient to furnish such information of the purpose thereof ;

(*c*) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed ;

(*d*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Enforcement of Orders to execute Works, &c.

Works, &c., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.

489. (*1*) When any requisition or order is made, by written notice, by the Commissioner or by any municipal officer empowered under section 68 in this behalf, under any section, sub-section or clause of this Act mentioned in sub-section (*2*), a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order so made, and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

[a] (*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

Section 230, sub-section (*5*).
" 231.
" 232.
" 233, clause (*b*).
" 233A, " (*b*).
" 243, sub-section (*2*).
" 248, " (*1*).
" 249A.
" 257.
" 271, sub-section (*2*).
" 278, " (*2*).
" 305.
" 308, sub-section (*2*).
" 309, " (*1*).
" 311.
" 315.
" 325.
" 326, sub-section (*3*).
" 329, " (*1*).
Section 334, sub-section (*1*).
" 338, " (*2*).
" 343, " (*2*).
" 349, " (*2*).
" 352.
" 353.
" 354.
" 368, sub-section (*2*).
" 375.
" 376.
" 377.
" 380.
" 381.
" 382.
" 383, sub-section (*1*).
" 392, " (*1*).
" 405.
" 425, sub-section (*1*).

[a] Sub-section (*2*) of section 489 was substituted for the original sub-section by Bom. V of 1905, s. 59.

(*3*) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

Recovery of expenses of removals by the Commissioner under sections 314, 315, 354, and 380.

490. (*1*) The expenses incurred by the Commissioner in effecting any removal under section 314, or, in the event of a written notice issued under sub-section (*1*) of section 315 or section 354 or 380 not being complied with, under section 489, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(*2*) But, if the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof.

(*3*) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit, as soon as conveniently may be after one month from the date of their removal, whether the expenses of the removal have in the meantime been paid or not; and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, be paid to the credit of the municipal fund, and shall be the property of the corporation.

Recovery of Expenses by the Commissioner.

Expenses recoverable under this Act to be payable on

491. (*1*) Whenever under this Act, or any regulation or by-law made under this Act, the

demand; and if not paid on demand, may be recovered as an arrear of property tax.

expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner or of any municipal officer empowered under section 68 in this behalf are payable by any person, the same shall be payable on demand.

(*2*) If not paid on demand, the said expenses shall be recoverable by the Commissioner, subject to the provisions of sub-section (*2*) of section 503, by distress and sale of the goods and chattels of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.

492. (*1*) If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land and the defaulter is the owner of such building or land, the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said building or land, under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the goods and chattels of the said person, as if the amount thereof were a property-tax due by him:

(*2*) Provided as follows, namely—

(*a*) unless the said person neglects or refuses, at the request of the Commissioner, truly to disclose the amount of the rent payable by him in respect of the said land or building and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any larger sum than, up to the time of demand, is payable by him to the owner on account of rent of the said land or building; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(*b*) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(*c*) nothing in this section shall affect any agreement made between the said person and the owner of the building or land in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

Commissioner may agree to receive payment of expenses in instalments.

493. Instead of recovering any such expenses as aforesaid in any manner hereinbefore provided, the Commissioner may, if he thinks fit and with the approval of the standing committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.

What expenses may be declared to be improvement expenses.

494. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections 227, clause (*c*), 230, 231, 233, clause (*b*), 248, sub-section (*1*), 257, 272, 274, sub-section (*1*), 305, 352, sub-section (*1*) 376, 381 and 405, the Commissioner may, if he thinks fit and with the approval of the corporation, declare such expenses to be improvement expenses.

Improvement expenses by whom payable.

495. (*1*) Improvement expenses shall be a charge on the premises in respect of which or for the benefit of which the same have been incurred and shall be recoverable in instalments of such amounts not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of six per centum per annum, within such period not exceeding thirty years as the Commissioner, with the approval of the corporation, may in each case determine.

(*2*) The said instalments shall be payable by the occupier of the premises on which the expenses are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continue to be unoccupied.

Proportion of improvement expenses may be deducted from rent.

496. (*1*) Where the occuppier by whom any improvement expenses are paid holds the premises, on which the expenses are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses from the rent payable by him to his landlord, and, if he hold at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses as his rent bears to the rack-rent.

(*2*) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof:

(*3*) Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

497. At any time before the expiration of the period for the payment of any improvement expenses,

the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses as may not have been defrayed by sums already levied in respect of the same.

Recovery of instalments due under sections 493 and 495.

498. Any instalment payable under section 493 or section 495, which is not paid when the same becomes due, may be recovered by the Commissioner by distress and sale of the goods and chattels of the person by whom it is due as if it were a property-tax due by the said person.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

499. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any regulation or by-law made under this Act, the occupier, if any, of such building or land may, with the approval of the Commissioner, execute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

Limitation of liability of agent or trustee of owner.

500. No person who receives the rent of any premises in any capacity described in sub-clauses (*i*), (*ii*) and (*iii*) of clause (*m*) of section 3 shall be liable to do anything which is by this Act required to be done by the owner, unless he have sufficient funds of or due to the owner to pay for the same.

Payment of Compensation.

Compensation for damages may be paid by the Commissioner.

501. In any case not otherwise expressly provided for in this Act, the Commissioner may, with the approval of the standing committee, pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Commissioner or in any municipal officer or servant.

Compensation to be paid by offenders against this

502. (*1*) If, on account of any act or omission, any person has been convicted of an offence against

Act for any damage caused by them.

this Act or against any regulation or by-law made under this Act, and, by reason of the same act or omission of the said person, damage has occurred to any property of the corporation, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(*2*) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of Expenses or Compensation in case of Dispute.

In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court.

[a] **503.** (*1*) If, when the Commissioner demands payment of any expenses under section 491, his right to demand the same or the amount of the demand is disputed, or, if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (*2*) of section 329, the necessity for such temporary measures is disputed, the Commissioner shall refer the case for the determination of the Chief Judge of the Small Cause Court.

(*2*) Pending the Chief Judge's decision, the Commissioner shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due.

Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.

[a] **504.** If, in any case not falling under section 491, any person is required by this Act, or by any regulation or by-law framed under this Act, to pay

[a] As to appeal to High Court from decision under s. 503 or s. 504—see Act XII of 1888, s. 3. As to period of limitation for such appeals—see *ib.*, s. 5.

any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in section 502 and 515, by the Chief Judge of the Small Cause Court, on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under a decree of the Court.

505. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it shall be recoverable as if the same were due under a decree of the Small Cause Court.

Persons liable for expenses or compensation may be sued for recovery thereof.

506. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

Proceedings before the Chief Judge of the Small Cause Court.

Remedy of owner of building or land against occupier who prevents his complying with any provision of this Act.

507. (1) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any regulation or by-law made under this Act or with any requisition made under this Act or under any such regulation or by-law in respect of such building or land, the owner may apply to the Chief Judge of the Small Cause Court.

(2) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the

said provision or requisition, and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(*3*) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be prescribed in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

Power to summon witnesses and compel production of documents.

508. (*1*) For the purposes of any inquiry or proceeding under this Act, the Chief Judge of the Small Cause Court may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of the Small Cause Court by the Presidency Small Cause Courts Act, 1882; and in all matters relating to any such inquiry or proceeding the said Chief Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

(*2*) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Chief Judge may hear and determine the case in his absence.

(*3*) The costs of every such inquiry or proceeding, as determined by the said Chief Judge, shall be payable by such parties and in such proportions as the said Chief Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.

Fees in proceedings before the Chief Judge of the Small Cause Court.

509. (*1*) The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, prescribe what fee, if any, shall be paid—

(*a*) on any application, appeal or reference made under this Act to the Chief Judge of the Small Cause Court; and

(*b*) previous to the issue, in any inquiry or proceeding of the said Chief Judge under this Act, of any summons or other process:

Provided that the fees, if any, prescribed under clause (*a*) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees at the time being levied, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in which the value of the claim or subject-matter is of like amount.

XV of 1882.

(*2*) The Governor in Council may from time to time by a like notification determine by what person any fee prescribed under clause (*a*) shall be payable.

(*3*) No application, appeal or reference shall be received by the said Chief Judge, until the fee, if any, prescribed therefor under clause (*a*) has been paid.

Exemption of poor persons from fees.

510. The Chief Judge of the Small Cause Court may, whenever he thinks fit, receive an application, appeal or reference made under this Act by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 509.

Re-payment of half fees on settlement before hearing.

511. Whenever any application, appeal or reference made to the Chief Judge of the Small Cause Court under this Act is settled by agreement of the

parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Chief Judge to the parties by whom the same have been respectively paid.

Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

512. The Chief Judge of the Small Cause Court may—

(*a*) delegate, either generally or specially to any other Judge of the said Court, power to receive applications, appeals and references under this Act and to discharge any other duty in connection with such applications, appeals and references, except the hearing and adjudication thereof;

(*b*) if, for any reason, it shall be necessary so to do in order to secure the disposal of any application made to him under section 20 within the limited period prescribed in the said section, delegate to any other judge of the said Court the hearing and adjudication of the said application;

(*c*) from time to time, with the approval of Government, make rules, not inconsistent with this Act, providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act which is not herein specifically provided for.

Proceedings before Magistrates.

Cognizance of offences.

513. All offences against this Act, or against any regulation or by-law made under this Act, whether committed within or without the city, shall be cognizable by a Presidency Magistrate; and no such magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the municipal

fund to the credit of which any fine inflicted by him will be payable.

Limitation of time within which complaints of offences punishable under this Act shall be entertained.

514. No person shall be liable to punishment for any offence made punishable by this Act, unless complaint of such offence is made before a Presidency Magistrate within three months, or, if the offence be against the provisions of section 155, within six months, next after the commission of such offence.

Complaints concerning nuisances.

[a] **515.** (*1*) Any person who resides in the city may complain to a Presidency Magistrate of the existence of any nuisance, or that, in the exercise of any power conferred by sections 224, 244, 245, 246 or 367, more than the least practicable nuisance has been created.

(*2*) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, direct the Commissioner—

(*a*) to put in force any of the provisions of this Act or to take such measures as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance;

(*b*) to pay to the complainant such reasonable costs of, and relating to, the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(*3*) It shall be incumbent on the Commissioner to obey every such order.

(*4*) Nothing in this Act contained shall interfere with the right of any person who may suffer injury

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[a] As to appeal to High Court from orders under s. 515—see Act XII of 1888, s. 4. As to period of limitation for such appeals—see *ib.*, s. 5.

or whose property may be injuriously affected by any act done in the exercise of any power conferred by sections 224, 244, 245, 246 or 367 to recover damages for the same.

Arrest of Offenders.

Offenders against this Act may in certain cases be arrested by Police Officers.

516. (*1*) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or by-law made under this Act, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time, not exceeding at the most forty hours from the arrest, than is necessary for bringing him before a Magistrate competent to take cognizance of his offence.

Legal Proceedings.

Provisions respecting institution, &c., of civil and criminal actions and obtaining legal advice.

517. (*1*) The Commissioner may—

(*a*) take, or withdraw from, proceedings against any person who is charged with—

(*i*) any offence against this Act;

(*ii*) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(*iii*) committing any nuisance whatsoever;

(*b*) compound any offence against this Act, which under the law at the time in force may legally be compounded;

(*c*) defend any election petition brought under section 33;

(*d*) defend, admit or compromise any appeal against a rateable value or tax brought under section 217 ;

(*e*) take, withdraw from, or compromise, proceedings, under sections 502, sub-section (*2*), 503, 504 and 505, for the recovery of expenses or compensation claimed to be due to the corporation ;

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees ;

(*g*) defend any suit or other legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(*h*) with the approval of the standing committee, admit or compromise any claim, suit or legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(*j*) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the corporation or of the Commissioner ;

(*k*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant:

(*2*) Provided that the Commissioner shall not defend any suit or legal proceeding under clause (*g*) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the corporation shall determine to have instituted and prosecuted.

CHAPTER XX.

CONTROL.

Power to Government to provide for performance of duties in default of any municipal authority.

518. (*1*) If, upon complaint being made to him and after such inquiry as he thinks fit to make, it shall at any time appear to the Governor in Council that any of the provisions of sections 61, 62, 134, 225, 434 and 438 have not been or are not being duly carried out or enforced, the Governor in Council may make an order prescribing a period within which such provision shall be carried out or enforced:

(*2*) Provided that, except in any case which appears to the Governor in Council to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the corporation, and, if the Governor in Council shall think fit, on the Commissioner, requiring cause to be shown why such